



UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
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Reply to Northern Division Address

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March 18, 2022

In re: *Thermo Fisher Scientific, Inc., et al., v. Ameritox, LTD., et al.*,  
1:18-cv-02730 ELH

Dear Counsel of Record:

I have been contacted by Judge Hollander, who presided over the above-referenced case.

Judge Hollander has informed me that it has been brought to her attention that during the pendency of this case she acquired ownership of stock in Thermo Fisher Scientific, Inc. Judge Hollander did not own this stock at the outset of this case. And, although she added Thermo Fisher Scientific to her conflicts list after this interest was acquired, this case was not identified for a conflict at that time.

Judge Hollander's ownership of stock neither affected nor impacted any decisions in this case. Defendants did not appear or participate, and Plaintiffs voluntarily dismissed the case. Nevertheless, such stock ownership would have required recusal under the Code of Conduct for United States Judges. Therefore, Judge Hollander has directed me to notify the parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals argument, the Committee explained that “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was

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disqualified.”

Accordingly, you are invited to respond to Judge Hollander’s disclosure of a conflict in this case. Should you wish to respond, please submit your response on or before April 1, 2022. Any response will be considered by another judge of this court, without the participation of Judge Hollander.

Sincerely,

/s/

Catherine M. Stavlas  
Clerk of Court